

OFFICIAL GAZETTE

GOVERNMENT OF GOA

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Law (Legal and Legislative Affairs) Department

Notification

10-3-88/LA (Part)

The Sixth Schedule to the Constitution (Amendment) Act, 1988 (Central Act 67 of 1988) which was passed by Parliament and assented to by the President of India on 19-12-1988 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19-12-1988, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th February, 1989.

The Sixth Schedule to the Constitution (Amendment) Act, 1988.

AN

ACT

further to amend the Sixth Schedule to the Constitution of India in its application to the States of Tripura and Mizoram.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 1988.

2. *Application of Sixth Schedule to the States of Tripura and Mizoram.*—The Sixth Schedule to the Constitution shall, in its application to the States of Tripura and Mizoram, have effect subject to the following modifications, namely:—

(1) In paragraph 9, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:—

“(3) The Governor may, by order, direct that the share of royalties to be made over to a District Council under this paragraph shall be made over to that Council within a period of one year from the date of any agreement under sub-paragraph (1) or, as the case may be, of any determination under sub-paragraph (2).”

(2) In paragraph 10,—

(a) in the heading, the words “by non-tribals” shall be omitted;

(b) in sub-paragraph (1), the words “other than Scheduled Tribes” shall be omitted;

(c) in sub-paragraph (2), for clause (d), the following clause shall be substituted, namely:—

“(d) prescribed that no person resident in the district shall carry on any trade, whether wholesale or retail, except under a licence issued in that behalf by the District Council:”

(3) For paragraphs 12AA and 12B, the following paragraphs shall be substituted, namely:—

“12AA. *Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous district and autonomous regions in the State of Tripura.*—Notwithstanding anything in this Constitution,—

(a) no Act of the Legislature of the State of Tripura in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Tripura prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to the autonomous district or an autonomous region in that State unless, in either case, the District Council for that district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall, in its application to that district or such region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Tripura to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to the autonomous district or an autonomous region in that State, or shall apply to that district or such region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;

(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district

or an autonomous region in the State of Tripura, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.

12B. Application of Acts of Parliament and of the Legislature of the State of Mizoram to autonomous districts and autonomous regions in the State of Mizoram.—Notwithstanding anything in this Constitution, —

(a) no Act of the Legislature of the State of Mizoram in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws and no Act of the Legislature of the State of Mizoram prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region in that State unless, in either case, the District Council for such district or having jurisdiction over such region, by public notification, so directs, and the District Council, in giving such direction with respect to any Act, may direct that the Act shall, in its application to such district or region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Mizoram to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to an autonomous district or an autonomous region in that State, or shall apply to such district or region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;

(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Mizoram, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect."

(4) In paragraph 15, in sub-paragraph (2),—

(a) in the opening paragraph, for the words "by the Legislature of the State", the words "by him" shall be substituted;

(b) the proviso shall be omitted.

(5) In paragraph 16,—

(a) in sub-paragraph (1), the words "subject to the previous approval of the Legislature of the State" occurring in clause (b), and the second proviso shall be omitted;

(b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

"(3) Every order made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, along with the reasons therefor shall be laid before the Legislature of the State."

(6) In paragraph 20, in the table, in Part III, for serial numbers 2 and 3 and the entries relating thereto, the following shall be substituted, namely:—

"2. The Mara District.

3. The Lai District."

(7) After paragraph 20B, the following paragraph shall be inserted, namely:—

"20BB. Exercise of discretionary powers by the Governor in the discharge of his functions.

—The Governor, in the discharge of his functions under sub-paragraphs (2) and (3) of paragraph 1, sub-paragraphs (1) and (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (3) of paragraph 9, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall after consulting the Council of Ministers, and if he thinks it necessary, the District Council or the Regional Council concerned, take such action as he considers necessary in his discretion."

Notification

10-3-88/LA (Part)

The following Order received from the Government of India, Ministry of Textiles, Office of the Textile Commissioner, Bombay— 20, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 23rd February, 1989.

MINISTRY OF TEXTILES

New Delhi, the 12th October, 1988

ORDER

No. 8/37/85-TPC(Pt).—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further, to amend the Textiles (Control) Order, 1986, namely:—

(1) This Order may be called the Textiles (Control) Amendment Order, 1988.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In clause 2 of the Textiles (Control) Order 1986 (hereinafter referred to as the said Order):—

(i) for sub-clause (5), the following sub-clause shall be substituted, namely:—

"(5) "Cloth" means any fabric made either predominantly from or equally of natural silk, cotton, wool man-made fibre (continuous), man-

made fibre (discontinuous), of wastes or any of these materials or any predominant of equal combination thereof, but does not include "other textile products" namely:—

(a) hose pipe;

(b) Leather cloth, inferior or imitation leather cloth ordinarily used in book-binding and book binding cloth;

(c) made-up clothing;

(d) plush cloth, in the manufacturer of which any spun yarn/filament is used;

(e) rubberised or synthetic water-proof fabric whether single textured or double textured;

(f) tracing paper;

(g) tops;

(h) man-made fibres";

(ii) for sub-clause (7), the following sub-clause shall be substituted, namely:—

"(7) "Cotton Yarn" or "Cotton Cloth" means or cloth other than silk yarn and silk cloth, and where cotton is equal or predominant by weight";

(iii) for sub-clause (11), the following sub-clause shall be substituted, namely:—

"(11) "Man-made fibre yarn" and "Man-made fibre cloth" means yarn and cloth other than silk, cotton or woollen yarn and cloth";

(iv) for sub-clause (21), the following sub-clause shall be substituted, namely:—

"(21) "Producer" means a person engaged in the production of and value-addition to yarn or cloth or other textile products "directly or indirectly" and the expression "produce" and its grammatical variations shall be construed accordingly";

(v) for sub-clause (22), the following sub-clause shall be substituted, namely:—

"(22) "registration authority" means the officers of the State Government or a Union Territory Administration under whose territory the powerloom or existing powerloom is located and who is notified as such";

(vi) for sub-clause (23), the following sub-clause shall be substituted, namely:—

"(23) "Silk Yarn" or "Silk Cloth" means yarn or cloth where natural silk is equal or predominant by weight or value if the weight of natural silk is equal or predominant alongwith any other fibre";

(vii) for sub-clause (24), the following sub-clause shall be substituted, namely:—

"(24) "Ring Frame" means "Spinning machine" and includes spindles, rotors, or any other device marked by power and used for production of yarn";

(viii) for sub-clause (28), the following sub-clause shall be substituted, namely:—

"(28) "Woollen Yarn" or "Woollen Cloth" means yarn or cloth other than silk yarn and silk cloth

or cotton yarn and cotton cloth and ware wool is predominant or equal by weight, and includes yarn manufactured out of pulled or agnnettel rags";

(ix) for sub-clause (29), the following sub-clause shall be substituted, namely:—

"(29) "Yarn" with its grammatical variations, means manufactured predominantly from or equally of natural silk cotton, wool man-made fibre (continuous), man-made fibre (discontinuous), or waste of any of these materials, or any predominant or equal combination thereof";

3. In clause 5 of the said Order, after the words and figure "under clause 4", the words and figure "and clause 6" shall be inserted.

4. In clause 16 of the said Order, (i) after the words "cloth or yarn" wherever they occur, the words "or other textile products" shall be inserted;

(ii) in sub-clause (1) in item (a), for the opening words "the clauses" the words "the classes" shall be substituted.

5. In clause 17 of the said Order, after the words "cloth or yarn" wherever they occur, the words "or other textile products" shall be inserted.

6. In clause 18 of the said Order after the words "cloth or yarn" wherever they occur, the words "or other textile products" shall be inserted.

7. In clause 19 of the said Order after the words "cloth or yarn" wherever they occur, the words "or other textile products" shall be inserted.

8. In clause 20 of the said Order, after the words "cloth or yarn" wherever they occur, the words "or other textile products" shall be inserted.

9. In clause 23 of the said Order, after the words "cloth or yarn" wherever they occur, the words "or other textile products" shall be inserted.

Note: — The principal Order was published in the Gazette of India, Extraordinary Part I-Section 1 at pages 9-13 dated 11th April, 1986.

ORDER

Ordered that the Textiles (Control) Amendment Order, 1988, may be published in the Gazette of India for general information.

Ordered also that the copies of the Textiles (Control) Amendment Order, 1988, may be communicated to all concerned.

Sd/-

(C. B. CHEEMA)
JOINT SECRETARY

Notification

7-1-89/LA

The Goa (Absorbed Employees) (Amendment) Act, 1988 (Goa Act No. 3 of 1989) which has been passed by the Legislative Assembly of Goa on 28-12-1988 and assented to by the Governor of Goa on

25-2-1989 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd March, 1989.

The Goa (Absorbed Employees) (Amendment) Act, 1988

(Goa Act No. 3 of 1989)

AN

ACT

to amend the Goa, Daman and Diu (Absorbed Employees) Act, 1965.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa (Absorbed Employees) (Amendment) Act, 1988.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Goa, Daman and Diu (Absorbed Employees) Act, 1965 (Central Act 50 of 1965) (hereinafter referred to as the "principal Act"), after clause (b), the following clause shall be inserted, namely:—

"(c) "Government" means the Government of Goa".

3. *Amendment of section 3.* — In section 3 of the principal Act,—

(i) in sub-section (1), after the words "Central Government", the words "or the Government" shall be inserted;

(ii) in clause (b), after the words "Union territory of Goa, Daman and Diu", the words "or the State of Goa" shall be inserted;

(iii) in sub-section (3)—

(a) after the words "House of Parliament", the words "or the State Legislature as the case may be", shall be inserted;

(b) after the words "both Houses" wherever they occur, the words "or the State Legislature as the case may be" shall be inserted.

Secretariat Annexe,

Panaji,

Dated: 27-2-1989.

M. RAGHUCHANDER,

Secretary to the Government of Goa,
Law Department (Legal Affairs)

Government Press

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